

REMARKS

I. Status of the Application

Claims 1-51 are presently pending and stand rejected. By way of this response, sixteen (16) claims have been amended and six (6) claims have been canceled. Applicant respectfully submits that no new matter has been added by way of this amendment.

Support for the amendment to Claim 1 can be found in the claim as originally filed.

Claim 8 was amended to correct a typographical error.

Support for the amendment to Claim 9 can be found in the claim as originally filed.

Support for the amendment to Claim 12 can be found in the claim as originally filed.

Support for the amendment to Claims 18, 21, 23 and 25 can be found at least in page 13, Table 2 and page 14, lines 5-7 of the specification of U.S. Patent Serial No. 09/703,753 as originally filed.

Support for the amendment to Claim 27 can be found in the claim as originally filed.

Support for the amendment to Claim 36 can be found in the claim as originally filed.

Support for the amendment to Claims 40, 43, 45 and 47 can be found at least in page 13, Table 2 and page 14, lines 5-7 of the specification of U.S. Patent Serial No. 09/703,753 as originally filed.

Claim 49 was amended to correct a typographical error.

Support for the amendment to Claim 50 can be found in the claim as originally filed.

II. CLAIMS 1-51 COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT OF 35 U.S.C §112, PARA. 1

The Office Action rejected of Claims 1-51 under 35 U.S.C. § 112, para. 1, as failing to comply with the written description requirement for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the application was filed, had possession of the claimed invention. In particular, the Office Action alleged that “the newly added limitation . . . recited in claim 1 is not supported by the originally filed specification or the originally filed claims.” Without admitting or conceding in any manner that Claims 1-51 fail to comply with the written

description requirement, and solely to expedite the prosecution of the present application, Claim 1 has been amended to remove said newly added limitation.

The 35 U.S.C § 112, para. 1, rejection is now moot in view of the present amendment to Claim 1. Therefore, Applicant respectfully requests withdrawal of the rejection of Claims 1-51 under 35 U.S.C. § 112, para. 1.

III. THE REFERENCES COMBINED IN THE OFFICE ACTION DO NOT RENDER ANY OF THE PENDING CLAIMS UNPATENTABLE UNDER 35 U.S.C. § 103(a)

Claims 1-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WO02/17926 ("Dudley") and US 6,200,591 ("Hussain"). Applicant respectfully traverses the rejection and respectfully requests that the rejection be withdrawn in light of the arguments set forth below and the present amendments to the claims.

Applicant respectfully submits that Dudley is improperly characterized as prior art. The instant application is a national stage entry of PCT/US2003/32597 filed on October 16, 2003, which claims priority to U.S. Patent Application U.S. Serial No. 10/273,484 filed on October 18, 2002, which is a continuation-in-part of U.S. Patent Application Serial No. 09/703,753 filed on November 1, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/651,777 filed on August 30, 2000, which issued as U.S. Patent 6,503,894. The claims, as amended, find support at least in the disclosure of the U.S. Patent Application Serial No. 09/703,753 filed on November 1, 2000. Dudley was published on March 7, 2002, and as such, is not a proper reference under 35 U.S.C. § 103(a).

Applicant further submits that Hussain does not disclose each and every element of the claimed invention, and therefore does not render Claims 1-51 obvious. Hussain teaches a method for the intranasal delivery of sildenafil to a patient in need thereof. Hussain does not teach a method of improving sexual performance comprising administering a testosterone pharmaceutical gel composition and a phosphodiesterase inhibitor.

Based upon the foregoing, Applicant respectfully requests withdrawal of the rejection under § 103(a).

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that amended Claims 1-51 are in condition for allowance. Early and favorable consideration is respectfully requested, and the Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution. Further, none of Applicant's amendments or cancellations are to be construed as dedicating any such subject matter to the public, and Applicant reserves all rights to pursue any such subject matter in this or a related patent application.

Respectfully submitted,

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